

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO, WESTERN DIVISION

JACK LONG

1245 Hilton Head Court
Defiance, OH 43512

and

LINDA LONG

1245 Hilton Head Court
Defiance, OH 43512

Plaintiffs,

-vs-

WILSON BROS.- HANOVER, INC.

doing business as Galena Chrysler
c/o Rosean Schromen, Statutory Agent
11300 W. US Highway 20
Galena, IL 61036

and

GALENA CHRYSLER

11300 W. US Highway 20
Galena, IL 61036

and

GARY LEO PITZEN

PO Box 152
1455 Main Street, Apt. 3
Dubuque, IA 52001

Defendants.

Case No:

Judge

COMPLAINT

Trial Counsel:

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PRELIMINARY STATEMENT

1. This case involves a vehicular collision in Fulton County, Ohio that occurred on September 26, 2020, when Defendants' vehicle collided with the motorcycle being operated by Plaintiff, Jack Long, causing him to sustain catastrophic injuries, including but not limited to, amputation of his left leg.

PARTIES

2. Plaintiff, Jack Long, is an adult individual who resides in Defiance, Defiance County, Ohio.

3. Plaintiff, Linda Long, is an adult individual and the lawful spouse of Plaintiff Jack Long, residing in Defiance, Defiance County, Ohio.

4. Defendant, Wilson Bros.- Hanover, Inc. is a for-profit corporation incorporated in the state of Illinois with a principal place of business located in Galena, Illinois. Further pleading, based upon information and belief, Defendant, Wilson Bros.- Hanover, Inc., at all times relevant, was operating under an assumed name/doing business as Galena Chrysler.

5. Defendant, Galena Chrysler, is a fictitious business entity operating in the state of Illinois with a principal place of business located in Galena, Illinois. Further pleading, Defendant, Galena Chrysler, was the registered owner of the vehicle being operated by Defendant, Gary Leo Pitzen, that struck Plaintiff, Jack Long.

6. Defendant, Gary Leo Pitzen, is an adult individual who resides in Dubuque, Iowa, and is a citizen of the state of Iowa. Further pleading, at all times relevant, Defendant Pitzen was an employee, agent, and/or servant of Defendant Wilson Bros.- Hanover, Inc. and/or Defendant Galena Chrysler, was acting in the

course and scope of his employment and was acting in the furtherance of his employer's interests and with the permission of his employer.

JURISDICTION

7. This diversity action is brought under 28 U.S.C. Section 1332. Plaintiffs, Jack Long and Linda Long, are citizens of the state of Ohio. Defendant Wilson Bros.-Hanover, Inc. and Defendant Galena Chrysler are business entities organized and existing under the laws of the state of Illinois with principal places of business located in Illinois. Defendant Pitzen is a citizen of and resides in the state of Iowa. The crash occurred in Fulton County, Ohio. The matter in controversy exceeds, exclusive of interest and costs, the sum of \$75,000.

FIRST CAUSE OF ACTION **Negligence of Defendant Pitzen**

8. On or about September 26, 2020, Plaintiff Jack Long was driving westbound on U.S. 20 in Fulton County, Ohio. Defendant Pitzen was driving eastbound on U.S. 20, operating a motor vehicle registered to Galena Chrysler and owned by Defendant Wilson Bros.- Hanover, Inc. and/or Defendant Galena Chrysler. While travelling eastbound, Defendant Pitzen went left of center and struck the Plaintiff Jack Long and the motorcycle he was operating.

9. Defendant Pitzen had a duty to operate his vehicle in a safe and reasonable manner, to keep a proper lookout, to maintain his lane of travel, and to maintain reasonable control of his vehicle.

10. Defendant Pitzen failed in the above-mentioned duties and was therefore negligent.

11. That as a direct and proximate result of the vehicular collision of September 26, 2020 and the aforementioned negligence of Defendant Pitzen,

Plaintiff Jack Long sustained injuries, including but not limited to:

- Multiple fractures to his left leg resulting in traumatic amputation
- Denuding/degloving injury to his scrotum
- Wound to his penis and foreskin
- Laceration to the right fifth metatarsal
- Puncture wound to the top/side of right foot impacted with gravel and road debris
- Left middle finger central slip extensor tendon laceration with subsequent rupture
- Left cheek laceration
- Contusion to his forehead
- Acute blood loss anemia
- Hemorrhagic shock
- Acute kidney injury requiring hemodialysis
- Myocardial infarction type 2
- Sepsis with organ failure
- Necrotizing fasciitis/cellulitis of the scrotum, foreskin and penis
- Multiple abrasions throughout his body.

12. That in the care and treatment of his injuries, he has undergone medical and medicinal treatments, including multiple surgeries; that he will be required to undergo future medical and medicinal treatments, including multiple surgeries; that he has incurred reasonable and necessary medical expenses to date in the approximate amount of \$1,758,095.41; that he will continue to incur reasonable and necessary medical expenses into the future in an amount which is presently unknown and cannot be ascertained at this time despite due diligence; that his injuries are

permanent and partially disabling; and that he continues to suffer from pain, emotional distress and inability to enjoy life as a result of his injuries, with all the foregoing to his damage.

SECOND CAUSE OF ACTION
Vicarious Liability

13. All preceding paragraphs, allegations and causes of action above are incorporated into this cause of action by reference as if fully rewritten herein.

14. At all times relevant, Defendant Pitzen was the employee, agent, and/or servant for Defendant Wilson Bros.- Hanover, Inc., and was acting within the course and scope of his employment and in furtherance of his employer's interests, and with the express and/or implied permission of Defendant Wilson Bros.- Hanover, Inc. Accordingly, Defendant Wilson Bros.- Hanover, Inc. is vicariously liable for the negligence of Defendant Pitzen.

15. At all times relevant, Defendant Pitzen was the employee, agent, and/or servant for Defendant Galena Chrysler and was acting within the course and scope of his employment and in furtherance of his employer's interests, and with the express and/or implied permission of Defendant Galena Chrysler. Accordingly, Defendant Galena Chrysler is vicariously liable for the negligence of Defendant Pitzen.

16. That as a direct and proximate result of the aforementioned collision of September 26, 2020 and the negligence of Defendant Pitzen, Plaintiff Jack Long sustained the injuries and damages as set forth above.

THIRD CAUSE OF ACTION
Negligent Entrustment

17. All preceding paragraphs, allegations and causes of action above are incorporated into this cause of action by reference as if fully rewritten herein.

18. That Defendant Wilson Bros.- Hanover, Inc. and/or Defendant Galena Chrysler was the registered owner of the vehicle being operated by Defendant Pitzen at all times relevant.

19. That Defendant Wilson Bros.- Hanover, Inc. and/or Defendant Galena Chrysler, negligently entrusted said vehicle to Defendant Pitzen.

20. That as a direct and proximate result of the negligent entrustment of the vehicle to Defendant Pitzen and the aforementioned collision of September 26, 2020, Plaintiff Jack Long sustained the injuries and damages set forth above.

FOURTH CAUSE OF ACTION
Negligence of Wilson Bros.-Hanover, Inc. and/or Galena Chrysler

21. All preceding paragraphs, allegations and causes of action above are incorporated into this cause of action by reference as if fully rewritten herein.

22. Defendant Wilson Bros.- Hanover, Inc. and Defendant Galena Chrysler had a duty to act reasonably in hiring and retaining Defendant Pitzen and to promulgate and enforce rules and regulations to ensure its drivers and vehicle were reasonably safe.

23. Defendant Wilson Bros.- Hanover, Inc. and Defendant Galena Chrysler failed in the above-mentioned duties and were therefore negligent.

24. That as a direct and proximate result of the negligence of Defendant Wilson Bros.- Hanover, Inc. and Defendant Galena Chrysler and the aforementioned collision of September 26, 2020, Plaintiff Jack Long sustained the injuries and damages set forth above.

FIFTH CAUSE OF ACTION
Consortium Claim

25. All preceding paragraphs, allegations and causes of action above are incorporated into this cause of action by reference as if fully rewritten herein.

26. Plaintiff, Linda Long, was at all times relevant and presently is the lawful spouse of Plaintiff, Jack Long.

27. As a direct and proximate result of the aforementioned collision and the aforementioned negligence of the Defendants, Plaintiff Linda Long has suffered a loss of companionship, society, services, and consortium of her husband, Jack Long, and her right thereto has been permanently impaired.

28. Further pleading, Plaintiff Linda Long has sought medical treatment and counseling due to the injuries sustained by her husband as a result of the aforementioned collision of September 26, 2020 and will be required to seek medical treatment and counseling in the future.

29. That she has incurred reasonable and necessary medical and counseling expenses in an amount which is presently unknown and not ascertainable at this time despite due diligence and that she will incur future medical and counseling expenses in the future in an amount which is presently unknown and not ascertainable at this time despite due diligence.

30. That she has incurred a loss of wages as a direct and proximate result of the injuries to her husband and the aforementioned negligence of Defendants in an approximate amount of \$34,695.00, and will incur a loss of wages into the future in an amount which is presently unknown and cannot be ascertained at this time despite due diligence.

31. That she has provided nursing services to her husband in lieu of hiring an in-home nurse to care and treat for Plaintiff Jack Long and that she is entitled to the reasonable value of her services from the date of the collision through the present time in an amount which is presently unknown and not reasonably ascertainable at this time despite due diligence, and that she is entitled to the reasonable value of her services that she will provide to her husband in the future in an amount which is presently unknown and not reasonably ascertainable at this time.

WHEREFORE, Plaintiffs, Jack Long and Linda Long, pray for a monetary judgment against the Defendants, Wilson Bros.-Hanover, Inc., Galena Chrysler, and Gary Leo Pitzen, jointly and severally, in a sum in excess of Seventy-Five Thousand Dollars (\$75,000.00) on each and every count, interest at the maximum rate provided for by law from the date that their cause of action accrued, their costs of Court expended herein, and any and all other relief this Court or the trier of fact deems just and proper.

Respectfully submitted,

LAFFERTY, GALLAGHER & SCOTT, LLC

By /s/

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